

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

NORMAN PAUL TRAHAN :
VERSUS : CIVIL ACTION NO.: 6:12-CV-01993
TOWN OF YOUNGSVILLE, ET AL : JUDGE HAIK, MAG. JUDGE HANNA

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MOTION TO DISMISS
PURSUANT TO RULE 12(b)(2)

NOW INTO COURT, through undersigned counsel, comes the YOUNGSVILLE
POLICE DEPARTMENT, solely for the purpose of this motion, who avers as follows:

1.

The YOUNGSVILLE POLICE DEPARTMENT excepts to plaintiff's Complaint on the
ground that the "Youngsville Police Department" is not a juridical person under the laws of
Louisiana as defined by Civil Code article 24 and thus lacks procedural capacity to be sued
pursuant to Louisiana Code of Civil Procedural articles 731, et seq., and under federal law as
well.

WHEREFORE, premises considered, the defendant, the YOUNGSVILLE POLICE
DEPARTMENT, prays that there be judgment rendered herein in favor of the YOUNGSVILLE
POLICE DEPARTMENT and against plaintiff, Norman Paul Trahan, requiring the latter to prove
that the "YOUNGSVILLE POLICE DEPARTMENT" is a juridical person under the laws of the
State of Louisiana and federal law which has procedural capacity to be sued, and in the absence
of such proof, the YOUNGSVILLE POLICE DEPARTMENT prays that plaintiff's Complaint be

amended to delete reference to the "YOUNGSVILLE POLICE DEPARTMENT" as a separate, independent and distinct juridical person and that the suit filed against the "YOUNGSVILLE POLICE DEPARTMENT" as such be dismissed, with prejudice, at plaintiff's cost.

AND FOR ALL GENERAL AND EQUITABLE RELIEF, ETC.

BORNE & WILKES, L.L.C.

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ATTORNEYS FOR THE CITY OF YOUNGSVILLE

CERTIFICATE

I HEREBY CERTIFY that on November 27, 2012, a copy of the foregoing Motion to Dismiss Pursuant to Rule 12(b)(2) was filed electronically with the Clerk of Court using the CM/ECF system. I also certify that I have this date mailed by United States Postal Service this filing to the following non-CM/ECF participants: plaintiff, Norman Paul Trahan, and Michael D. Hebert.

s/John F. Wilkes, III
JOHN F. WILKES, III (Bar Roll #01644)
BORNE & WILKES, L.L.C.
Attorney for Defendant